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AUG 06 2003

OFFICE OF PETITIONS

In re the patent application of:  
Zyskind, J., et al.  
Application No.: 09/492,709  
Filed: January 27, 2000  
For GENES IDENTIFIED AS REQUIRED  
FOR PROLIFERATION IN  
ESCHERICHIA COLI

DECISION  
ON PETITION

This is a decision under 37 C.F.R. 1.183, on a petition filed January 3, 2002 to waive the requirement of 37 C.F.R. 1.98(a)(2), for a copy of the sequence listing for PCT publication number WO 01/34809 in an Information Disclosure Statement (IDS) filed in the above-identified application.

The petition under 37 C.F.R. 1.183 to waive the rules in the above noted application is **GRANTED**.

37 C.F.R. 1.98 requires applicants to submit as part of an IDS a legible copy of the portion of the reference that caused it to be included in the IDS. The size and method of publication of the sequence listing in the three PCT publications makes it burdensome for applicant to submit, and for the Office to process if submitted, in the form it was published. Applicant and Michael Lewis of this office determined in earlier telephonic communications that the Office already has a copy of the sequence portion of the three documents in a more usable form than applicant could submit.

Accordingly, it would be an unnecessary burden on both applicant and the Office to insist on a paper copy of the sequence portion for this PCT document.

The petition is granted to the extent that no paper copy of the sequence portion of the PCT reference need be submitted with an IDS in this application.

After this decision is mailed, the application will be returned to the Technology Center 1600 for examination.

Telephone inquiries should be directed to Michael L. Lewis at (703) 306-5585.

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Office of the Deputy Commissioner  
for Patent Examination Policy